

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No. 08-31-JJF
)	
WILLIAM A. PHILLIPS,)	
)	
Defendant.)	

**MOTION FOR EXPANSION OF TIME
TO FILE PRE-TRIAL MOTIONS**

COMES NOW, the Defendant, William A. Phillips, by and through his counsel, John P. Deckers, Esquire, pursuant to Federal Rule of Criminal Procedure 12(c) and Local Rule 5(a)(2), and respectfully requests that this Court grant the relief requested herein. In support of his request, the Defendant more specifically asserts the following:

1. On march 27, 2008, the Defendant appeared before the Hon. Mary Pat Thyne for arraignment on multiple counts of child pornography possession, receipt and attempted transmission, all of which are alleged violations of 18 U.S.C. §§ 2252A and 1466A. Defendant was represented by the undersigned counsel, and he entered pleas of not guilty to the charges.

2. By order of the Court, the Defendant was obliged to file dispositive pre-trial motions on or before April 10, 2008. That time period lapses today, and it is evident that Defendant's Counsel is not in a position to articulate and file the appropriate motions.

3. The delay in filing these pre-trial motions is attributable to the following factors, all of which should be considered either good cause or excusable neglect: (i) the undersigned Counsel served the government with a formal request for discovery pursuant to Rule 16 on or

about the 28th day of March, 2008; to date, the government has responded informally by providing copies of photographs, police reports, subpoenas and other related materials; the government has not formally responded to the request, however, and Counsel is uncertain whether additional discoverable information is available; for example, counsel for the Defendant and the government have engaged in discussions regarding the existence of A forensic report prepared by the chief investigating officer; counsel has not received a copy of that document; (ii) the government has offered to make available the images and videos seized in connection with this case; that meeting is to occur at the New Castle County Police station, but the undersigned Counsel, due to court-related scheduling conflicts, has been unable to make appropriate arrangements with the chief investigating officer and with counsel for the government to view those items; (iii) finally, Counsel submits that he has earnestly attempted to meet and fulfill both his personal and professional obligations.

4. Counsel furthermore submits that his failure to timely file the pre-trial motions should be viewed as excusable neglect: (i) the proposed motions may raise constitutional issues pertaining to integrity of the trial process and the defendant should be granted a fair hearing on the question of whether his rights have been violated; (ii) the Government is unlikely to be prejudiced by the untimely filing of these motions; moreover, the Government would, I believe, acknowledge that it has not fully responded to Defendant's discovery request; and (iii) the Court, also, would not be overly burdened by a delayed filing of pre-trial motions.

5. The Government's position with regard to this application is presently unknown.

WHEREFORE, Defendant William A. Phillips respectfully requests that this Court extend the time within which pretrial motions may be filed by the Defendant.

/s/ John P. Deckers

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